

## REMARKS

### A. Status of the Claims

Claim 1 was pending at the issuance of the instant Office Action. Claim 1 has been amended to remove reference to the compound of formula 2. Applicants note that the deletion of the compound of formula 2 from claim 1 does not imply that Applicants acquiesce to the Action's rejections with respect to the compound of formula 2. Rather, Applicants are pursuing the method of claim 1 with the use of the compound of formula 2 in copending US Application No. 10/534,791. No new matter has been introduced as a result of the aforementioned amendment.

### B. Claim 1 is not anticipated by Fridovich et al.

The Action rejects claim 1 under 35 U.S.C. § 102(a) as anticipated by Fridovich *et al.* (US 2002/0042407). Specifically, the Action asserts that Fridovich teaches the use of Manganese meso-tetrakis-N-alkyl-pyridium based porphyrins for treating macular degeneration and edema. Claim 1 has been amended to encompass a method for treating AMD, DR, and/or retinal edema comprising administering the compound of formula 1 to a patient in need thereof. The compound of formula 1 comprises imidazole rings. Fridovich does not teach porphyrins comprising imidazole rings. Therefore, claim 1 is not anticipated by Fridovich. Consequently, Applicants respectfully request that this ground of rejection be withdrawn.

### C. Claim 1 is not obvious in view of Crapo et al.

The Action rejects claim 1 under 35 U.S.C. §103(a) as being unpatentable over Crapo *et al.* (WO 95/10185). Specifically, the Action asserts that "it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use a compound

with ethyl group attached to N in the pyridine ring and the bond from the pyridine ring to porphyrin in position 2 instead of position 4 to treat conditions such as macular degeneration of the eye, retinal edema and diabetic retinopathy.” Claim 1 as amended is drawn to a compound of formula 1, which does not comprise pyridine rings bonded to porphyrin. Crapo does not mention or suggest the use of porphyrin compounds comprising imidazole rings, which are present in the compound of formula 1. Consequently, Crapo does not render claim 1 obvious. Therefore, Applicants respectfully request that this ground of rejection be withdrawn.

**D. Conclusion**

This is submitted to be a complete response to the outstanding Action. Based on the foregoing arguments, the claims are believed to be in condition for allowance; a notice of allowability is therefore respectfully requested.

The Examiner is invited to contact the undersigned attorney at (817) 615-5330 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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